

**PHYSICAL THERAPY GOVERNING BOARD
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
ALLIED HEALTH PROFESSIONALS
Philbrook Building, 121 South Fruit Street
Concord, New Hampshire 03301**

In The Matter Of:

Docket #09-2015

**Mary M. Palaima
(Application for Licensure)**

DECISION AND ORDER

By the Board: Lea Bruch, Public Member, Chair, Gillian Cavezzali, PT, Joseph Shanley, PTA, Nicole Lavoie, PT, Martha Aguiar, Public Member

Also present: Tina M. Kelley, Administrator to the Board

Appearances: None

On August 19, 2015, the New Hampshire Physical Therapy Governing Board ("Board") issued an Order on Application Denial to Mary M. Palaima ("Ms. Palaima" or "Applicant") for initial licensure. Ms. Palaima petitioned the Board for a hearing on August 31, 2015 and the Board issued a "Notice of Hearing, Order to Show Cause" on September 21, 2015.

On October 21, 2015, the hearing was held in accordance with RSA 328-F:23 and 328-F:24; Ahp 200 and Phy 200. Ms. Palaima appeared before the Board *pro se*.

Background Information

On May 20, 2015 Ms. Palaima submitted a completed application for licensure as a Physical Therapist. On the application Ms. Palaima stated that her place of employment was "Boston University".

On June 23, 2015 Ms. Palaima sent a letter to the Board stating that she began a new position at Franklin Pierce University in Manchester, New Hampshire and that while studying for the Jurisprudence Exam she realized that she was practicing without a license at which time she stepped down from her position.

On July 14, 2015 Ms. Palaima submitted her resume which indicated that she was practicing as an Associate Professor at Franklin Pierce University from October 2014 until June 5, 2015.

An adjudicatory hearing commenced on October 21, 2015, the specific issues to be determined included:

- A. Whether or not and to what extent Ms. Palaima practiced without a valid license from October 2014 until June 5, 2015.
- B. Whether or not and to what extent Ms. Palaima submitted an inaccurate application by indicating on that application her place of employment was Boston University.

Applicable Laws:

RSA 328-F:23, II:

Misconduct sufficient to support disciplinary proceedings shall include:

(a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, and license reinstatement.

(c) Violation of the ethical standards adopted by the governing board.

(i) Practice without a currently valid license.

(j) Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely.

RSA 328-A:12, I:

It is unlawful for any person to practice or in any manner to represent, imply, or claim to practice physical therapy or use any word or designation that implies that the person is a physical therapist unless that person is licensed pursuant to this chapter. An unlicensed person who engages in an activity requiring a license pursuant to this chapter or uses any title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a misdemeanor.

Phy 405.01:

Misconduct shall be:

(a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, or license reinstatement;

(d) Violation of Phy 500;

(j) Practice without a currently valid license; and

(k) Violation of:

(1) Any provision of RSA 328-F;

(2) Any provision of RSA 328-A;

(3) Any rule adopted by the board; or

(4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Phy 302.12:

Practice of physical therapy" means "practice of physical therapy" as defined in RSA 328-A:2, XI, namely,

(d) Engaging in administration, consultation, education and research.

APTA Code of Ethics for Physical Therapist, Principle 5A.

Principle 5A. Physical therapists shall comply with applicable local, state, and federal laws and regulations.

At the Hearing the Board reviewed numerous exhibits submitted with the Notice of Hearing and by Ms. Palaima:

Board Exhibits:

Exhibit #1 – Application for Initial Licensure or Certification

Exhibit #2 – A letter from Ms. Palaima to the Board dated June 18, 2015

Exhibit #3 – Resume: Mary M. Palaima dated July 14, 2015

Ms. Palaima's Exhibits:

Exhibit A – Title XXX Occupations and Professions, Chapter 328-A Physical Therapy Practice Act (NH)

Exhibit B – Physical Therapy Administrative Rules, Chapter Phy 401.01 (NH)

Exhibit C – Application for Initial Licensure (NH)/ Front Page – Ms. Palaima

Exhibit D – Application for Initial Licensure (NH)/ Notarization Page – Ms. Palaima

Exhibit E – Employment Information

Exhibit F – MA license – Current

Exhibit G – DC PT license verifications

Exhibit H – RI PT license verifications

Exhibit I – Letter form Stephanie Johnson, Chair, DPT Program at Franklin Pierce University

Ms. Palaima testified on her own behalf and presented no witnesses.

Findings of Fact and Rulings of Law:

- The Board finds that Ms. Palaima negligently submitted a resume that had not been updated which stated that from October of 1998 until September of 2014 she worked at Boston University and from October 2014 until June 5, 2015 she worked at Franklin Pierce University in violation of RSA 328-F:23, II (a), (c), and (j), Phy 405.01(a), (d), and (k).
- The Board finds that Ms. Palaima practiced without a valid license from October 2014 until June 5, 2015 in violation of RSA 328-F:23, II(c), RSA 328-F:23, II(i), RSA 328-F:23, II(j), RSA 328-A:12 I, Phy 405.01(d), Phy 405.01(j), Phy 405.01(k), and *APTA Code of Ethics for Physical Therapist, Principle 5A*.
- The Board finds that Ms. Palaima negligently submitted an application on May 26, 2015 which listed her place of employment as Boston University in violation of RSA 328-F:23, II(a), RSA 328-F:23, II(j), Phy 405.01(a), and Phy 405.01(k).
- Such actions do not show good moral character, as required by RSA 328-A:5, I(a).

Based upon the findings of fact and rulings of law the Board finds sufficient evidence that Ms. Palaima was in violation of the laws and rules by practicing without a license, submitting inaccurate documentation during the licensure process, and using the credentials of PT and or DPT in conjunction with her name. After considering all the evidence and taking into account Ms. Palaima's explanation and apology the Board rules as follows:

THEREFORE IT IS ORDERED, that Ms. Palaima be issued license to practice Physical Therapy in the State of New Hampshire.

THE BOARD STRONGLY RECOMMENDS, that Ms. Palaima review all documents being submitted to the Office of Licensed Allied Health for accuracy and making sure that all information has been updated. Included in that is to notify the Board's office when information about employment and residency changes.

IT IS FURTHER ORDERED, that within fifteen (15) days of the effective date of this Decision and Order Ms. Palaima shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Physical Therapist and to any agency or authority which licenses, certifies or credentials Physical Therapists, with which Ms. Palaima is presently affiliated.

IT IS FURTHER ORDERED, that Ms. Palaima furnish a copy of this Decision and Order to any employer and/or agency, or authority with which Ms. Palaima is affiliated which licenses, certifies or credentials Physical Therapists for one year from the effective date of this Decision and Order.

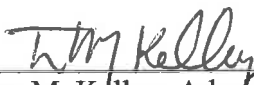
IT IS FURTHER ORDERED that Ms. Palaima's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Palaima's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: November 18, 2015



Tina M. Kelley, Administrator
Authorized Representative of the
Physical Therapy Governing Board